

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

IGNACIO LEMUS,

Plaintiff,

v.

VISALIA POLICE DEPARTMENT,

Defendant.

Case No. 1:24-cv-00050-JLT-HBK

ORDER GRANTING TO A LIMITED EXTENT  
PLAINTIFF'S SECOND MOTION FOR  
EXTENSION OF TIME

(Doc. No. 8)

JUNE 5, 2024 DEADLINE

Pending before the Court is Plaintiff's second Motion for Extension of Time, filed on May 13, 2024. (Doc. No. 8). Plaintiff seeks a 60-day extension of time to file a response to the Court's March 26, 2024 Findings and Recommendations ("F&R") or file a First Amended Complaint ("FAC"). (*Id.* at 1). Plaintiff requests additional time because he is attempting to obtain a police report and other documents from the Visalia Police Department and attaches various documents reflecting his efforts to do so. (*Id.*). However, Plaintiff does not specify why the requested documents are necessary to file a First Amended Complaint. As the Court noted in its February 27, 2024 Screening Order, Plaintiff's single-paragraph Complaint failed to allege facts as to any Defendant sufficient to state any cognizable federal claim. (*See* Doc. No. 4).

Under Rule 8 of the Federal Rules of Civil Procedure, Plaintiff's Complaint need only include "a short and plain statement of the claim showing [he] is entitled to relief . . . ." Fed. R. Civ. P. 8(a)(2). External evidence is not required to support a claim at the pleading stage. Moreover, it is not clear in what way obtaining documents from the Visalia Police Department will cure the deficiencies in Plaintiff's original Complaint and thus the Court denies his request for a 60-day extension of time to obtain those documents.

The Court will however afford Plaintiff a limited extension of time in which to file a First Amended Complaint and cure the deficiencies the Court cited in its February 27, 2024 Screening Order.

Accordingly, it is hereby **ORDERED**:

1. Plaintiff's motion for extension of time (Doc. No. 6) is **GRANTED IN PART** to the extent set forth herein.
2. Plaintiff shall file his objections to the Court's March 26, 2024 Findings and Recommendations or file a First Amended Complaint **no later than June 5, 2024**.
3. If Plaintiff fails to timely comply with this Court Order or seek a further extension of time to comply, the Court's Findings and Recommendations to Dismiss Action for Failure to Prosecute and Obey Court Orders will be deemed ripe for consideration by the district court.

Dated: May 17, 2024

  
HELENA M. BARCH-KUCHTA  
UNITED STATES MAGISTRATE JUDGE